



PLANNING COMMISSION STAFF REPORT

Land Use Services Department

Advance Planning Division



HEARING DATE: March 18, 2004

AGENDA ITEM NO: 4

Project Description

Vicinity Map



Applicant: Land Use Services Department
Proposal: A) A Development Code Amendment to amend the provisions of the Fire Safety Overlay District.
B) A General Plan Amendment to amend the Fire Safety Overlay District Hazard Maps.
Index: CW1-849N
CATS: L612
Community: Countywide
Location: Countywide with a primary focus in the Mountain Region.
Staff: Jim Squire

STAFF RECOMMENDATION:

- A. THE PLANNING COMMISSION RECOMMENDS THAT THE BOARD OF SUPERVISORS ADOPT the proposed ordinance to amend the Development Code and the proposed ordinance and resolution to amend the General Plan Fire Safety Overlay District Hazard Maps.
- B. ADOPT the findings as contained in the staff report;
- C. FILE the Notice of Exemption.

BACKGROUND:

In response to the catastrophic fire damage of the recent Grand Prix and Old Fires, the County formed a Post-Disaster Reconstruction Task Force to clearly outline reconstruction procedures for fire victims in an effort to assist affected residents in rebuilding as expeditiously as possible. The Task Force is addressing a number of issues associated with post-fire reconstruction including financial assistance to fire survivors, debris removal, and community re-building. Due to the unique conditions associated with reconstruction in Cedar Glen, a sub-committee of the Task Force was formed to focus on the special needs of that community. A separate sub-committee of the Task Force was also established to focus specifically on changes to the County's fire safety building and development requirements to enhance fire safe communities in the future. This sub-committee, consisting of staff from the County Fire Marshall's Office, the Building and Safety Division and the Advance Planning Division, has been working with various interested individuals, groups, agencies, and jurisdictions to examine the County's current fire safety related building and development design standards in order to incorporate "lessons learned" from the recent fires. The sub-committee has met several times with Fire Chiefs and/or Fire Prevention Officers from the affected fire districts, affected residents, and representatives of mountain Fire Safe Councils, the building industry and mountain building associations. The feedback provided at the meetings has resulted in a draft ordinance that has broad support.

To enact the recommended changes, the County Board of Supervisors must take two actions. They must adopt a Development Code Amendment revising the existing Fire Safety Overlay District provisions, and they must adopt a General Plan Amendment to reflect changes to the hazard overlay maps delineating the revised Fire Safety Areas. The proposed Development Code Amendment includes new standards that will ensure the use of noncombustible and/or fire-resistant materials and include other building requirements so as to mitigate the potential for future conflagration. The combination of steep slopes, large accumulations of flammable vegetation, hot, arid climate, Santa Ana Winds, erodible soils and the intrusion of urban activity creates the potential for loss of life, property and natural resources along the wildland-urban interface and make these amendments necessary. The proposed General Plan Amendment revises the mapped fire safety areas to incorporate the new hazard area designations.

The City of San Bernardino (City) was also severely impacted by these fires, and has adopted an urgency ordinance to establish enhanced building standards for the areas of the City affected by the fire. On January 27, 2004, the Board of Supervisors adopted Urgency Interim Ordinance 3906 to ensure that the issuance of building permits by the County within the affected unincorporated area of Del Rosa would be consistent with the proposed Development Code Amendment. The proposed Development Code Amendment incorporates standards adopted by the City and applies them to the Del Rosa area and other unincorporated areas along the valley foothills. The County's Urgency Ordinance was adopted to ensure that building standards were comparable to the City's where City/County jurisdictions are in close proximity in the Del Rosa area. The urgency ordinance is effective for only 45 days and expired on March 12, 2004. An extension of this urgency ordinance was adopted at a public hearing by the Board of Supervisors on March 9, 2004. This new urgency ordinance is effective for 180 days or until the effective date of the proposed Development Code Amendment as is presented in this staff report. As with the first urgency ordinance, this second ordinance would apply only within the Del Rosa area of the County which is generally bounded by the National Forest Boundary on the north, Victoria Avenue on the east, Lynwood Drive on the south, and Harrison Street on the west.

Development Code Amendment

The main provisions of the proposed Development Code Amendment are as follows:

1. Fire Safety Designations and Organizational Changes: In order to emphasize the new standards implemented with the proposed changes, the designation for the Fire Safety Overlay District has been changed from Fire Safety Review Areas (FR) to Fire Safety Areas (FS). The building standards and project design requirements have been completely restructured to make them easier to understand and locate in the Code. The building standards for each safety area are located in sections dedicated to those specific topics. These sections are now complete unto themselves, thereby eliminating the old hierarchy system of outlining basic standards that apply to all safety areas and then adding supplementary standards for the more hazardous districts. All project design requirements have been consolidated into one section and follows the sections on building requirements.
2. Redefining Fire Safety Areas:
 - a. Fire Safety Area 1 (FS1). Fire Safety Area 1 includes those areas within the mountains and valley foothills. It includes all the land generally within the National Forest boundary and is characterized by

areas with moderate and steep terrain and moderate to heavy fuel loading contributing to high fire hazard conditions.

- b. Fire Safety Area 2 (FS2). Fire Safety Area 2 includes those lands just to the north and east of the mountain FS1 area in the mountain-desert interface. These areas have gentle to moderate sloping terrain and contain light to moderate fuel loading. These areas are periodically subject to high wind conditions which have the potential of dramatically spreading wildland fires.
 - c. Fire Safety Area 3 (FS3). Fire Safety Area 3 includes lands just to the south of the mountain FS1 area. These lands are primarily within the wildland-urban interface of the Valley Region and consist of varying terrain from relatively flat to steeply sloping hillside areas. Present and future development within FS3 is exposed to the impacts of wildland fires and other natural hazards primarily due to its proximity to FS1. These areas are subject to Santa Ana wind conditions which have the potential of dramatically spreading wildland fires during extreme fire behavior conditions.
3. Roof Covering: All three areas within the Fire Safety Overlay District require that roof coverings shall be either noncombustible or shall be fire retardant material not composed of organic fiber with a minimum Class A rating, as defined in the California Building Code. Tile shall be tight-fitting and the open ends of high-profile tile shall be capped with non-ignitable material to prevent birds' nests or other combustible material from accumulating. This means that wood shake or shingle roofs are now prohibited within all three areas.
4. Exterior Walls: Exterior wall separation standards are designed to reduce the exposure and risk from adjacent structural fires and to reduce the potential spread of fire from structure to structure.
- a. For FS1 and FS2: All residential structures shall have interior side yard setbacks of 20% of the lot width. Interior side yards shall not be less than five feet and need not exceed 15 feet. Wherever possible, exterior wall separations shall not be less than ten feet for all buildings, including those on adjoining parcels.
- When exterior walls of residential and accessory buildings or portions thereof are within 15 feet of interior side or rear lot lines, or the exterior wall separation is less than 30 feet, the outside of all such exterior walls or portions thereof shall be constructed with the modified one-hour construction. Modified one-hour construction shall be defined by the Building Official. Where building separations are less than ten (10) feet, additional mitigation measures may be required by the responsible fire authority.
- b. For FS3: Exterior walls shall be constructed of noncombustible materials or shall provide the equivalent one-hour fire-resistance-rated construction on the exterior side. Interior side yards shall not be less than five feet. Within the Mountain Planning Area, building separation and side yard setbacks shall be as described in FS1/FS2 areas.
5. Eaves: In FS1 and FS 2, eaves shall be solidly filled with tight-fitting wood blocks at least one and one-half inches thick. In FR3, eaves shall be enclosed with a minimum 7/8 inch stucco or equivalent protection.

6. Exterior Glazing: Exterior windows, window walls and glazed doors, and windows within exterior doors, shall be multi-layered glass panels (dual- or triple-paned), tempered glass, or other assemblies approved by the Building Official. Vinyl window frame assemblies shall be prohibited, except when they comply with specific construction characteristics.
7. Exterior Doors: All exterior doors made of wood or wood portions shall be solid core wood. Any window insets in exterior doors shall comply with the requirements for windows.
8. Insulation: Paper-faced insulation shall be allowed in attics or ventilated spaces only if the paper is not exposed to the attic open space. Cellulose insulation is required to be fire retardant.
9. Additional Requirements: Dependent upon specific conditions of the site, such as fire flow, building separation, road conditions, slope, vegetation, etc., or combination thereof, the responsible fire authority may require all structures to meet more stringent construction standards as additional mitigation to the fire threat. Such standards include, but are not limited to, full perimeter exterior walls to be constructed to the modified or full one-hour construction standards, sprinklers, soffitted eaves, etc.
10. Fences: Where wood or vinyl fencing is used, there shall be a minimum of five foot separation between the wood or vinyl fencing and the wall of the nearest structure except on those properties where previous construction occurred pursuant to a previous code. Fencing within the five foot separation area shall be of noncombustible material or modified one-hour fire-resistance-rated construction. All fences or walls required adjacent to fuel modification areas or wildland areas as conditions of approval for a development project shall be constructed of noncombustible materials as defined in the California Building Code.
11. Residential Density in Sloped Terrain: Reinstates standards from community plans designed to reduce fire hazards, prevent erosion, and to preserve the existing vegetation and visual quality. The density of development in sloping hillside areas shall be in accordance with the following criteria: One to four dwelling units per gross acre on slopes of 0-15%, two dwelling units per gross acre on slopes of 15-30%, one dwelling unit per three gross acres on slopes of greater than 30% gradient. In the West Valley Foothills Planning Area, residential development on slopes of greater than 30% gradient is prohibited.
12. Fuel Modification Areas/Plans: A permanent fuel modification area may be required around development projects or portions thereof that are adjacent or exposed to hazardous fire areas for the purpose of fire protection. In no case shall this area be less than 100 feet in width as measured from the development perimeter. Where feasible, such areas shall be designated as common open space rather than private open space. The recommended width of the fuel modification area shall be determined based on a Fuel Modification Plan. All final plans shall be reviewed and approved by the responsible fire authority in conjunction with the County Fire Warden. The plan may be submitted as a preliminary and final plan. A preliminary or final plan shall be submitted concurrently with the development application to the Land Use Services Department for review in conjunction with the project design review. Fuel Modification Plans shall address the following factors, including, but not limited to:

- (b) Fuel loading;
- (c) Access to the project and to the fuel modified area;
- (d) The on-site availability of water that can be used for fire fighting purposes;
- (e) The continual maintenance of such areas;
- (f) The soil erosion and sediment control measures to alleviate permanent loss of top soil and accelerated erosion; and
- (g) A list of recommended landscape plant materials that are fire resistant.

The Development Code Amendment also deletes the additional setback standards included in the Mountain, Crest Forest, Hilltop, Lake Arrowhead and Lytle Creek Planning Areas. These provisions are either included in other codes or are covered by the provisions of the Fire Safety Overlay District. Including them in the Planning Area standards is redundant and has proven to be confusing for staff and the public in the past. These changes will provide for uniform application of the building separation standards contained in the Fire Safety Overlay.

General Plan Amendment

The proposed General Plan Amendment will map three distinct fire safety areas by geographic location. If adopted, Fire Safety Area 1 (FS1) would encompass the Mountain Region and other high fire threat areas, excluding Waterman Canyon. Fire Safety Area 2 (FS2) would include the mountain-desert interface area to the north and east of the Mountain Region. Fire Safety Area 3 (FS3) would include selected areas in the valley foothills just to the south of the mountains. Private properties in Waterman Canyon will be designated as FS3.

The proposed change to the Development Code and General Plan are being recommended because there is an immediate threat to the public health, safety and welfare of the citizens of San Bernardino County in that the fire danger for these areas will continue, both now and in the future. The revisions to the Fire Safety Overlay District with enhanced building standards is designed to prevent the ignition of, or otherwise reduce the spread of fire on developed properties, by controlling the use of materials and methods of construction.

Conclusion

Approval of this Development Code Amendment will establish building standards within the Fire Safety Overlay District that provide sound fire prevention measures in the affected neighborhoods of the County. These standards are also consistent with the City of San Bernardino's recent upgrade of building standards. For the areas adjacent to the City of San Bernardino, this will result in comparable standards across jurisdictional boundaries. County Fire Department personnel and representatives from other fire districts have reviewed and concur with the proposed changes to the Code. Staff has presented these recommendations to members of the mountain development community and to members of mountain Fire Safe Councils, all of whom agree with these amendments.

FINDINGS:

1. The proposed Development Code and General Plan Amendments are exempt from the California Environmental Quality Act (CEQA) as they do not have the potential to cause a significant effect on the environment. They are being adopted to enhance the safety of the citizens of the county.

2. The proposed General Plan Amendment to change to the Fire Safety Hazard Maps is in the public interest and there will be a community benefit in that fire safety will be enhanced.
3. The proposed Development Code Amendment and changes to the Fire Safety Hazard Maps are consistent with the goals and policies of the General Plan, and will provide a reasonable and logical extension of fire safety measures in the County.
4. The proposed Development Code Amendment modifies current building standards within the Fire Safety Areas in order to provide sound fire prevention measures and such modifications to the current Building Code are reasonably necessary because of local climatic, geological and topographical conditions.
5. The proposed changes to the Fire Safety Hazard Maps do not conflict with provisions of the Development Code, or any applicable specific plan.
6. The proposed changes to the Fire Safety Hazard Maps will not have a substantial adverse effect on surrounding property.

ATTACHMENTS:

1. [Proposed Development Code Amendment Ordinance](#)
2. [Proposed General Plan Amendment](#)
3. [Existing Fire Safety Overlay Districts](#)